



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY, 17th FLOOR
NEW YORK, NEW YORK 10007-1866**

June 19, 2013

VIA EMAIL

Frank Pavia
Harris Beach PLLC
99 Garnsey Road
Pittsford, NY 14534

RE: Lower Ley Creek Data Evaluation Report

Dear Frank:

I am writing in response to your letter to the United States Environmental Protection Agency ("EPA") dated May 17, 2013 concerning the Town of Salina's comments on the Lower Ley Creek Data Evaluation Report ("DER"). The following is EPA response to each of the points raised in your letter.

1. Section 1.2.2 discusses the dredging of Ley Creek in various stages, but does not discuss the fact that prior to the dredging activities, Ley Creek did not cut through the former Town of Salina Landfill (the "Landfill"). In fact, all water flow went through the Old Ley Creek. As a result, the Report should be revised to reflect that prior to the dredging of Ley Creek being completed by the County of Onondaga, the creek did not flow through the Landfill.

EPA does not think it is necessary to revise the report to reflect this information. This information will be noted in the Remedial Investigation/Feasibility Study (RI/FS) for the Lower Ley Creek Subsite and is also noted in other publicly available documents, including the Record of Decision for the Salina Landfill Subsite.

2. Section 2.2 indicates that the Landfill's operations extended in the 1980s. This is incorrect. Active landfilling operations ceased in 1974-1975. Again, the Report needs to be corrected to reflect this timeframe.

This correction will be made in the RI/FS for the Lower Ley Creek Subsite.

3. Section 2.3 indicates that soil/sediments from the portion of the Landfill south of Ley Creek containing PCBs >500 ppm were excavated and placed on the Landfill's cap, north of Ley Creek. This is again inaccurate. Known hot spots with PCBs >50 ppm (not 500) were excavated and disposed off-site. All other soil/sediments and solid waste was moved to the Landfill area north of Ley Creek and capped.

This correction will be made in the RI/FS for the Lower Ley Creek Subsite.

4. Section 5.0 analyzes various contaminants found in Lower Ley Creek, and indicates that highest PCB concentrations were found at the "upper" portion of Lower Ley Creek (i.e., adjacent to the Landfill). This section further indicates that other contaminants had highest levels in samples taken from the swale downstream of the confluence of Lower Ley Creek and Old Ley Creek in an area of dredged spoils.

It is not clear what inaccuracies the Town is commenting on by this statement.

5. Section 1.2.2 of the Report further states that there are several properties that are known to be either contributors or potential contributors of contaminants to Ley Creek including, but not limited, the former GM Inland Fisher Guide Facility and the Landfill, the latter of which surrounds Lower Ley Creek just downstream of Route 11/Brewerton Road. The Report, however, does not provide any detailed analysis regarding the source of the contaminants being found in Lower Ley Creek and, while it acknowledges that the former GM Inland Fisher Guide Facility is a known contributor, no samples have been collected upstream of the Route 11 bridge (i.e. upgradient of the Landfill) which fully delineate the extent of the contamination that the former GM facility has contributed to the Lower Ley Creek subsite.

In response to your statement that the DER does not provide detailed analysis as to the source of the contaminants, please note that the purpose of the DER is to identify the contaminants of concern and determine whether the available data is sufficient to select a remedy to address these contaminants. It has been well documented in other reports, and will likely be documented in future reports, that the General Motors Inland Fischer Guide facility disposed of PCBs into Ley Creek and that the Salina Landfill received waste from the IFG facility. It has also been documented that contaminants from both the IFG Facility and the Salina Landfill reached Onondaga Lake by way of Ley Creek.

In addition, it is untrue that samples have not been collected upstream of the Route 11 Bridge. Samples have been collected in this area, but because this area will be addressed under the remedy selected for the IFG/Deferred Media Subsite, the data for these samples is not included in the DER for the Lower Ley Creek Subsite.

Please let me know if you have additional questions or would like to discuss further.

Sincerely,



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